CD/2024

Conference on Disarmament

1 July 2015

Original: English

Canada

Working paper

Considering verification implications of fissile material definitions and of fissile material categories for future treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices

GE.15-10965 (E)

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Verification implications for different definitions of fissile material for which their production is banned for proscribed purposes

Definition of Fissile Material	*What specific obligations would be covered?1*	*Relevant verification tools*	*Challenges to effective verification2*	*Potential verification risks/gaps to providing credible assurance on compliance*	*Observations*
90% or more of U-235 or U-233 Pu containing more than 95% of Pu-239					
Pu less than 80% Pu-238, 20% or more U-235 and/or U-233 (Un-irradiated Direct Use Material)					
Pu-239, U-233, U enriched in U-235 and U-233 (Special Fissionable Material)					
a specific isotopic composition, to be determined during negotiations based on the scope and verification requirements of the treaty					
Other Materials Covered (e.g Neptunium, Americium)					

[1] This could include, inter alia, specific production activities and production facilities, that would be included in the scope of a production ban according to different fissile material definitions.

[2] This could include, inter alia, considerations related to national security and sensitive information, cost and resource questions, and technical capabilities.

Verification implications of fissile material categories that could be included as part of the scope of a future Treaty

Functional Categories of Material	*What specific obligations would be covered?3*	*Relevant Verification Tools*	*Challenges to effective verification*	*Potential verification risks/gaps to providing credible assurance on compliance*	*Observations*
Future Production of Fissile Material for Civilian Use					
Future Production of Fissile Material for Non-Proscribed Military Purposes					
Existing Stockpiles of Fissile Material for Civilian Use					
Existing Stockpiles of Fissile Material for Non-Proscribed Military Purposes					
Existing Stockpile Excess to Nuclear Weapon Requirements					
Existing Stockpiles Produced for Nuclear Weapons					

[3] This could include, inter alia, obligations related to non-diversion, transfer, declarations and transparency, or material accountancy and control.

CD/2025

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Original: English

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Working paper

Questions to stimulate discussion of the elements of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices

Canada is firmly committed to the negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (treaty) which would constitute an important contribution to nuclear non-proliferation and nuclear disarmament. We were honoured to have chaired the Group of Governmental Experts (GGE) which undertook the most in-depth discussion on aspects of a future treaty carried out to date. To facilitate this level of substantive discussion, the GGE operated on the basis of a policy-neutral and fact-based approach where no issue was left off the table. GGE experts were challenged by the Chair to respond to a number of questions designed to review the very issues and challenges that negotiators of a treaty might face.

These questions are compiled below to provide further transparency and insight on the work of the Group of Governmental Experts and to assist in stimulating further reflection on these issues beyond the group of 25 States that took part in the Group of Governmental Experts. It is our hope that these questions will assist all Conference on Disarmament delegations in preparing to engage in substantive discussions on a future treaty including during the upcoming schedule of activity discussions. More than ever, we remain convinced of the merit in broadening the Conference on Disarmament's perspective to include consideration of both political and technical aspects of its work. We believe this approach will stimulate greater engagement and understanding amongst Conference on disarmament delegations, which will in turn contribute toward a more conducive environment for the Conference to return to its mandated negotiating role.

I. Treaty Objectives and Basic Obligations

1. What should a treaty seek to achieve in terms of concrete effects?
2. What benefits would it provide to the international community?
3. How would it contribute to international peace and security?

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4. What would be the core functions of a treaty?

5. What should a treaty's impact be on non-proliferation, on nuclear disarmament and on nuclear security?

6. Should the objectives of a future treaty be concrete and quantifiable or rather, should they remain more general and aspirational (e.g., related to furthering nuclear non-proliferation and disarmament.)

7. How could a treaty encourage and advance nuclear disarmament? How could the structure of a future treaty (preamble language, support for separate protocols or phased approach) help in this regard?

8. Should a future treaty seek to assure the non-increase in the amount of fissile material available for nuclear weapons? How would such a goal be articulated in the treaty?

9. What implications might an objective seeking a non-increase in the amount of fissile material available for nuclear weapons have for material removed from nuclear weapons through future disarmament and dismantlement efforts?

II. Definitions

Fissile Material

1. What fissile materials should be defined in the treaty?

2. What existing definitions of fissile material are most relevant to the treaty? What would be the implications of using various definition proposals in the treaty?

3. What is the relevance of existing International Atomic Energy Agency (IAEA) material categories (special fissionable material, direct use material, source material, and alternative nuclear material) to a treaty banning the production of fissile material for use in nuclear weapons?

4. Which existing IAEA material categories most closely align to the possible objectives of a future treaty? Would it be necessary to expand or amend existing material categories in order to fulfil potential treaty objectives?

5. What are the main elements that can be used to distinguish existing options for defining fissile material in the treaty?

6. How can a treaty clarify the difference between fissile and weapons-usable material? Should special attention be paid to the "weapons-applicability" of different types of fissile material? Which fissile materials are most relevant from the perspective of weapons applicability?

7. In addition to weapons-applicability, what criteria should be used to assess the practicality of various approaches to treaty definitions (verifiability in terms of cost and confidentiality, non-discrimination)?

8. What are the implications of employing a "dialable" range of definition options for fissile material? How do experts see this working in practice?

9. Is there a need to address and or define materials used primarily for civilian purposes (such as reactor-grade plutonium and low-enriched uranium) in the treaty?

10. Should neptunium and americium be included in a treaty definition of fissile material? What implications would this have for treaty verification and existing IAEA safeguards? How would the exclusion of these materials affect their attractiveness for future nuclear weapons development?

11. Should the production of tritium for use in nuclear explosive devices be covered under a treaty definition of fissile material, given its use in modern nuclear warheads as a booster?

12. How might a future treaty incorporate a procedure so that definitions could be adapted in the future to account for technological advancements?

Fissile Material Production

13. Does a treaty need to define the term "fissile material production"?

14. What existing options for defining fissile material production are relevant to the treaty?

15. What are the most relevant technical starting points/thresholds for the production of fissile material (uranium, plutonium) for use in nuclear weapons or other explosive devices?

16. Should a treaty definition of fissile material production cover the entire nuclear fuel cycle related to the production of highly-enriched uranium and weapons-grade plutonium or focus on the specific activities where weapons-usability becomes most likely and practical (concept of technical choke points)?

17. Should a definition concentrate on the production activities that present the largest risks to treaty objectives?

Fissile Material Production Facility

18. Does a future treaty need to define the term "fissile material production facility"? If so, how can this be achieved?

19. How will a treaty definition of fissile material production activities be implemented in countries where there is a significant overlap between civilian and military production facilities? How could this challenge be addressed?

20. Are uranium enrichment and plutonium reprocessing plants the most relevant production facilities for this definition? What, if any, other production facilities could be subject to international verification under the treaty?

21. Does a future treaty need to define "shut down", "closed down" and "decommissioned" facilities? What is the relevance of existing IAEA Safeguards definitions in this context?

Other Definitions

22. Beyond fissile material, fissile material production, and fissile material production facilities, should a treaty define other related terms (i.e. existing stockpiles, nuclear explosive device, transfer, diversion, conversion, reversion, recycling of fissile materials, peaceful and military use)?

23. What would be the rationale for including these terms in a future treaty? What would be the implication of not including these terms for the effective implementation of a treaty?

24. What implications would different options for treaty definitions have on the NPT and the existing IAEA Safeguards Regime? Would the use of broader or narrower definitions in the treaty context negatively affect the integrity of IAEA Safeguards?

25. How can discussions on treaty definitions clarify key issues related to the treaty's scope and potential options for addressing existing stockpiles? Can agreement on certain treaty definitions help support productive discussions on scope?

III. Scope

1. In determining the treaty's scope, what impact do considerations related to national security, disarmament, and protecting proliferation sensitive information have?

2. If a treaty's objective were a non-increase of fissile materials for nuclear weapons, how would this shape the scope of a treaty? Would this influence other aspects of a treaty such as definitions?

3. How can various approaches to treaty scope be seen as meeting the Shannon Mandate criteria of non-discriminatory, multilateral, and internationally and effectively verifiable?

4. How may differentiated approaches to various categories of stockpiles help overcome divided positions on the scope of a future treaty?

5. Which functional categories of fissile material are relevant in determining the scope of a future treaty?

6. What are the implications if the treaty fails to distinguish between different categories of existing stockpiles?

7. In addition to existing stockpiles, what other issues related to treaty scope could usefully inform future negotiations on the subject?

8. Would measures related to transparency and control of stocks employed in nuclear weapons have value in building the trust and confidence needed to negotiate and implement the treaty?

9. What is the value and practicality of mandatory and voluntary commitments in this regard?

10. What approaches could be pursued with regard to the transparency of fissile material stockpiles in weapons? How can the treaty build upon transparency efforts undertaken in the NPT and other forums?

Civilian Production

11. Would the treaty include provisions related to the production of fissile material for civilian applications?

12. Does the potential diversion of civilian fissile material pose a significant challenge to the objectives of the treaty?

13. Should the treaty contain an obligation covering existing stockpiles of fissile material for civilian use?

14. Aside from a non-diversion obligation, what other forms could obligations addressing this category of material take?

Excess Materials

15. What role could measures to address fissile material declared in excess to military requirements play in ensuring that the treaty meets the criteria of irreversibility? Are such measures essential to a future treaty being a valuable contribution to nuclear disarmament?

16. How can excess fissile materials be defined in the treaty?

17. Should measures related to excess fissile material seek to advance legal irreversibility, practical irreversibility, or both?

18. What role could measures to address excess fissile materials play as part of a phased approach to the issue of existing stockpiles?

19. What approach could a future treaty employ for the declaration of fissile material in excess to military requirements?

Non-Proscribed Military Purposes

20. How could the production of fissile material for non-proscribed military purposes be addressed in the treaty?

21. What is the risk of fissile materials designated for naval reactors being diverted for use in nuclear weapons or other nuclear explosive devices?

22. Would the actual or perceived diversion of fissile material used in naval reactors to weapons programs by nuclear weapon possessing States undermine the non-proliferation and disarmament objectives of the treaty?

Materials from Future Disarmament Processes

23. How might a treaty address fissile materials removed from weapons through future disarmament and/or dismantlement processes? What verification challenges would arise?

24. Should a treaty include provisions related to the disposition of this material? Would disposition be voluntarily pursued by nuclear weapon possessing States or included as a binding treaty obligation?

25. Would there be any flexibility for such material to return to use in weapons programs? Would there be a need to define the specific purposes for which such material could be used once it has been removed from weapons?

26. Is there a difference in how a future treaty handles material made available from future bilateral disarmament efforts compared to future multilateral disarmament efforts?

27. What information could be provided in state declarations seeking to increase the transparency surrounding existing stockpiles? What challenges would nuclear weapon possessing States face in providing this information?

28. What value would the creation of a fissile material control initiative have in terms of transparency and accountability for existing stocks?

Implications for Verification and Definitions

29. What implications would various approaches to treaty scope have for the treaty's verification regime?

30. What are the verification implications of including certain categories of materials or production activities in the treaty's scope?

31. Should the treaty ensure that all activities within its scope are verified? What alternatives exist for the inclusion but non-verification of certain activities as part of the treaty's scope?

32. What are the challenges associated with requiring States possessing nuclear weapons to produce declarations of future production of civilian material for verification?

33. Are mandatory or voluntary declarations useful in this context and what form might they take? What would be the technical and verification challenges of such approaches?

34. What implications would various approaches to treaty scope have for treaty definitions? Are there additional terms that will need to be defined in a future Treaty on the basis of scope?

35. For non-nuclear-weapon States, is it possible that all obligations in the scope of a future treaty be covered by IAEA Comprehensive Safeguards Agreements (CSA) and/or additional protocols? If not what else might be required and in what circumstances?

36. What options might exist, voluntary or mandatory, for additional material or categories of material to become obligated under a treaty after entry into force? Should a treaty provide specific provisions for the negotiation of additional protocols?

IV. Verification

Objectives and Activities

1. What basic objectives should the treaty's verification regime seek to achieve?

2. Does the need to verify certain activities within the treaty regime vary according to its scope? Which activities should be verified under a future regime irrespective of a treaty's scope?

3. Is there a role for transparency and confidence building measures in this regard?

4. What specific activities should the treaty's verification regime seek to assess (no production for proscribed purposes at declared facilities, no diversion of fissile material to military explosive use, no undeclared production or facilities)? How will States measure the efficacy of verification? What level of assurance is required and how will this change over time? How can the political aspects of credible assurance be balanced with necessary technical considerations?

5. How do experts see the connection between the treaty's verification activities and States Parties' existing verification obligations?

6. What are the potential links between the treaty's verification regime and existing IAEA safeguards arrangements (CSA, additional protocols, voluntary offer agreement (VOA), item-specific agreements)?

7. Is the development of facility-specific verification tools and techniques compatible with non-discrimination principles?

8. How would a treaty operationalize the concept of irreversibility?

9. How might a treaty create provisions allowing non-obligated material to become obligated material in certain circumstances? How would this process become irreversible?

10. In the context of potential voluntary declarations of excess material, is it possible to create processes to nevertheless ensure the irreversible movement of these materials out of weapons programs?

11. Would this be verified? Are current verification techniques sufficient to assure compliance with a potential treaty provision in this regard?

12. If the treaty were to place binding obligations on parties to proceed with the decommissioning or conversion to peaceful uses of former military facilities, how could the irreversibility of these processes be operationalized within the treaty?

13. Might national decisions to decommission or convert facilities, even if not a binding obligation under a future treaty be subject to international verification as a means to ensure the irreversibility of these efforts? How might this be accomplished and what challenges would this pose for verification?

Verification Challenges

14. What technical and political challenges are linked to a future regime's ability to verify the absence of undeclared production or undeclared production facilities?

15. Does the treaty require specific verification approaches to identify and respond to cases of undeclared production at a declared facility as well as the existence of undeclared facilities?

16. Would the presence of undeclared facilities be considered a violation under the treaty or only if proscribed production activities take place at those facilities? What does this mean for how the treaty is verified?

17. What are the specific technical challenges related to conducting verification at different types of production facilities?

18. What are the most likely potential loopholes in the treaty's verification regime? Which of these is likely to pose the most significant threat to the verification regime's ability to provide credible assurances regarding compliance?

19. What connections exist between potential verification loopholes and concepts such as detection time, detection quantity, and detection probability?

20. What are the specific technical challenges related to conducting verification at different types of uranium enrichment facilities? Beyond challenges related to facilities with the legacy of weapons production, which others are relevant?

21. What verification measures are required to verify the non-diversion of excess fissile material back into weapons programs? What specific challenges exist for the implementation of these measures?

22. What technical and political challenges are related to the verification of non-diversion of fissile material from non-proscribed purposes? Does this require any specific considerations beyond those in place for uranium enrichment and plutonium reprocessing facilities?

23. How could non-diversion of non-proscribed military production of fissile material, including for naval reactors, be assured? What specific approaches could be employed?

24. Is verification of such material possible? What would be the verification challenges? How might they be overcome? How would a future treaty address national security and proliferation sensitive information?

25. What mechanisms would be required to provide the international community with credible assurances that fissile materials used in naval reactors are not being diverted?

26. Is it feasible to develop new verification technologies for material in military facilities?

27. How should the treaty's verification regime seek to provide credible assurances that no diversion of civilian material to weapons-use in nuclear-weapon States or non-NPT States is taking place? What form could this obligation take? What would be the relevant verification tools for such an obligation?

Verification Toolbox

28. What specific tools and techniques would be most suitable for the treaty's verification toolbox?

29. Would existing IAEA tools (i.e. routine inspection, containment and surveillance, material accountancy, managed access, design basis information etc.) require adaptation to function under the treaty? Could these tools be adapted for an independent 'FMCT' agency to detect undeclared production and verify non-production?

30. What verification tools could be developed to verify undeclared fissile material production or facilities in nuclear weapon possessing States? Given national security and proliferation concerns, what are some practical methods for the international community to develop verification tools in this regard?

31. Are there verification challenges under a treaty that existing tools and techniques could not address? How might these challenges be addressed?

32. Could Voluntary Offer Agreements (VOA) or facility-specific safeguards between nuclear-weapon States and the IAEA be used to ensure effective verification of civilian material in those States?

33. Do the legal provisions and obligations contained in existing IAEA safeguards arrangements have relevance for different components of a future treaty's verification regime (i.e. verifying specific scope approaches, overcoming specific verification challenges)?

34. Do provisions contained within the additional protocols help provide essential information about nuclear activities in States Parties that would be needed to verify compliance with the treaty?

35. Should the treaty employ existing IAEA verification criteria such as detection time, detection probability and detection amount (significant quantity)?

36. What relevance does the IAEA's existing use of containment and surveillance as well as environmental sampling have for treaty verification? What is the relevance of IAEA material accountancy and design information verification techniques?

37. Will the treaty's verification regime rely on one or two core verification techniques or will it, like current IAEA practices, rely on a mixture of tools? What lessons learned from IAEA practices may be relevant in this regard?

38. What are some of the specific verification tools that exist, or could be developed, for each of the fissile material definition categories?

39. How might a risk-based approach to verification be operationalized, in practical terms, within the treaty? What are the implications of using "heavy" and "light" touch verification techniques? What are potential 'different levels' of verification for monitoring adherence to treaty obligations?

40. How might a cooperative approach to verification being operationalized, in practical terms, within the treaty? What Organisation for the Prohibition of Chemical Weapons (OPCW) and Comprehensive Nuclear-Test-Ban Treaty Organization verification regime approaches would be most suitable in developing a cooperative verification approach under a treaty? Can these approaches be used to develop specific verification tools and techniques under the treaty, or are they best reflected in a verification agency's general procedures?

41. In terms of non-discriminatory verification, is it possible for the treaty to establish a constant baseline approach (i.e. through a common verification toolbox and a cooperative

approach to verification) applicable to all States? What would be the verification challenges of such an approach?

V. Institutional/Legal Issues

Institutional Issues

1. What are the advantages and disadvantages to having an independent FMCT Organization/Secretariat conducting core treaty-related decision-making, including on issues such as non-compliance and resource allocation?

2. Regarding a possible FMCT Organization/Secretariat, in a scenario where it was independent from a verification body (IAEA or other), what are some of the main options for its structure? What would its mandate involve? What would be a suitable size? What type of arrangement would be required to formalize the relationship between this governance body and a verification body?

3. In a scenario where an FMCT Organization/Secretariat itself takes on verification responsibilities, what options exist for its structure and responsibilities?

4. What challenges do experts anticipate with respect to the potential establishment of an executive council and conference of State Parties? Who would participate in these entities? How would they function in practice?

5. Which elements of the treaty's verification regime should be outlined in the treaty itself as opposed to those which should be established through subsequent agreements arrived at between the verification body and States Parties?

6. If the IAEA were not to play a role in treaty verification, what would be the implications of an FMCT Organization/Secretariat or other independent verification agency using IAEA safeguards data in carrying out verification activities and ensuring compliance with an FMCT?

Legal Issues

7. What options exist for dealing with questions of non-compliance under the treaty? How could these be adapted in an FMCT context to ensure the treaty's credibility? Should technical procedures be developed? If so, how could the inevitable political context in such scenarios be taken into consideration?

8. What are the implications of requiring non-nuclear-weapon States to have implemented both a CSA and/or an additional protocols with the IAEA? How would this obligation be formalized, in practical terms, in the text of a future treaty so that adherence to these agreements constitutes compliance with an FMCT?

9. What would be the relevance of Voluntary Offer Agreement (VOA) or facility-specific type agreements for nuclear-weapon States under the treaty?

10. What is required for the treaty to maintain the flexibility required to adapt to future changes in the global strategic context?

11. In order to achieve a non-discriminatory scope, should the treaty apply the same basic legal obligations to all States? What are the consequences of such an approach?

12. Are additional elements necessary in order to achieve non-discrimination? What would these consist of?

13. Can the goal of non-discrimination be achieved through differentiated verification approaches applied to different categories of States (those with nuclear weapons, those with advanced nuclear capabilities, etc.)?

Conference on Disarmament

1 July 2015

Original: English

Letter dated 30 June 2015 from the Permanent Representative of New Zealand to the Conference on Disarmament addressed to the Acting Secretary-General of the Conference transmitting the text of the paper entitled "Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons" submitted by New Zealand on behalf of the New Agenda Coalition to the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons[1]

In line with New Zealand's statement at the informal meeting of the Conference on Disarmament on Thursday 11 June I have the honour to transmit working paper on Article VI of the NPT, which was submitted to the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons by the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa).

I would be grateful if this letter and the attached document could be issued and circulated as an official document of the Conference.

(*Signed*): Dell Higgie
Ambassador for Disarmament
Permanent Representative
to the Conference on Disarmament

[1] Previously issued as document of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons under symbol NPT/CONF.2015/WP.9 of 9 March 2015 as attached.

GE.15-10973 (E)

1510973

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Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by New Zealand on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa)

Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Executive summary

1. The Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons affirmed that "all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons".

2. Members of the New Agenda Coalition believe that it is high time to elaborate the "effective measures" relating to nuclear disarmament which are required by article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and to heed the calls for urgency made by previous Review Conferences and the General Assembly, among others. States parties must now engage in serious discussions on the legal framework for a world without nuclear weapons and advance the necessary preparatory work. Moving forward on article VI will enhance the Treaty's credibility and rectify the imbalance in implementation between nuclear disarmament and nuclear non-proliferation. The "effective measures" required by article VI will also serve to give the Treaty's existing prohibitions additional normative support.

3. This paper seeks to elucidate the legal approaches capable of advancing "effective measures" with a view to facilitating a meaningful exchange as well as decision-making on this issue at the 2015 Review Conference. The New Agenda Coalition:

(a) Expects dedicated sessions of the subsidiary body in Main Committee I to be devoted to an exploration of the legal approaches capable of advancing "effective measures";

(b) Calls for decisions to be taken to advance "effective measures" with appropriate follow-up in all disarmament forums as well as by the General Assembly.

Options that have been suggested for the achievement and maintenance of a world free of nuclear weapons

4. In a working paper submitted in 2014 to the Preparatory Committee for the 2015 Review Conference, the New Agenda Coalition outlined a range of options that had been suggested for achieving and maintaining a world free of nuclear weapons (see NPT/CONF.2015/PC.III/WP.18, para. 29). Four options were identified:

(a) A **comprehensive nuclear-weapons convention**, which would set out general obligations, prohibitions and an effective basis for time-bound, irreversible and verifiable nuclear disarmament;

(b) A **nuclear-weapons-ban treaty**, which would establish the key prohibitions necessary for the pursuit, achievement and maintenance of a world free of nuclear weapons. Such a treaty could, but need not, additionally set out practical arrangements required for implementing and overseeing effective, time-bound, irreversible and verifiable nuclear disarmament;

(c) A **framework agreement comprising mutually supporting instruments** aimed at achieving and maintaining a world free of nuclear weapons. These would work in concert, within a legal framework, to establish the key prohibitions, obligations and arrangements for time-bound, irreversible and verifiable nuclear disarmament;

(d) A **hybrid arrangement** that might include elements of all or any of the above options, or new elements.

5. Following the 2014 meeting of the Preparatory Committee, the General Assembly, by an overwhelming majority, adopted resolution 69/37, which urged States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to "explore, during the 2015 Review Conference, options for the elaboration of the effective measures envisaged in and required by article VI of the Treaty" (see para. 15).

6. The New Agenda Coalition continues to believe that the pursuit of any of the options outlined in the above-mentioned working paper (see para. 4) would advance the implementation of article VI. Equally, any of them would be fully compatible with the object and purpose of the Treaty. The obligation to pursue effective measures towards nuclear disarmament is one that applies equally to all States parties to the Treaty and not just the nuclear-weapon States. The views and input of nuclear-weapon States on these issues would be greatly welcomed but there is no legal impediment to exploring the options outlined in the working paper and to moving forward, even if they choose not to engage. Any of these options would have a normative impact, no matter how broadly or narrowly the respective instrument or framework of instruments was drafted. Any of them would be able to give the Treaty's existing prohibitions additional normative support.

7. The New Agenda Coalition acknowledges that for those States parties to the Treaty that are non-nuclear-weapon States, the key obligation in any new legal instrument would effectively be a reiteration of their existing obligation under article II of the Treaty. Reiteration would not, however, undermine this obligation: it would, indeed, strengthen it (in the same way that reiteration, for example, of the right to life in a range of human rights treaty regimes has strengthened, not undermined, that right). A comparable example drawn from the disarmament context is the way in which the prohibition against using chemical or biological weapons in the Geneva Protocol of 1925 laid the normative foundations for the Chemical Weapons Convention and the Biological Weapons Convention (and yet continues in force to this day).

A choice between two legally distinct approaches

8. The New Agenda Coalition has undertaken further analysis, including from an international legal perspective, of the four options for achieving and maintaining a world without nuclear weapons outlined in the above-mentioned

working paper. In the light of this analysis, it is apparent that, in implementing article VI of the Treaty, States parties are, in effect, presented with a choice between two legally distinct approaches. In deciding which of these two approaches to take, States must assess — from both a political and technical perspective — the advantages and disadvantages of each as an "effective measure" for achieving nuclear disarmament, which remains the goal of article VI.

9. The first approach involves the negotiation of a stand-alone agreement, whether a comprehensive convention or a ban treaty (the first and second options listed in para. 4 above). The difference between the two agreements lies not in their architecture — they are indeed points on the same legal spectrum — but in their location along that spectrum in terms of scope and level of detail. In commencing a negotiation under this approach, States parties would need to decide between the broader and more detailed comprehensive convention at one end of the spectrum and the ban treaty towards the other, recognizing that the latter could, but need not, prescribe to some extent the legal and technical arrangements needed for the achievement and maintenance of a world free of nuclear weapons.

10. The second approach, that of a framework agreement comprising mutually supporting instruments (the third option listed in para. 4 above), is architecturally distinct from the comprehensive convention/ban treaty approach in that it does not aim to create a set of obligations in a single stand-alone agreement. Instead, it establishes obligations pursuant to a "head", or primary, agreement that would be negotiated first and that would formulate the objectives of the overall regime, establish broad commitments of the States parties and institute a general system of governance for subsequent negotiations. These subsequent "second-tier" negotiations would then articulate more detailed rules on discrete aspects of the overall regime (often through a set of individual protocols). States parties will need to decide, in the course of the negotiation, how broadly to define the scope of the head agreement and the second-tier protocols, and also what process to establish for negotiating these protocols.

Future focus

11. The New Agenda Coalition believes that the time is long past for all States parties to deliver upon their repeated expressions of political commitment to implement article VI and eliminate nuclear weapons, and to take substantial action to safeguard future generations from the catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design. The New Agenda Coalition calls for a serious discussion on the Treaty provision requiring all States parties to pursue and elaborate "effective measures" relating to nuclear disarmament. As presented in this paper, the New Agenda Coalition believes that work to advance article VI's "effective measures" should now focus on enabling a choice between two legal approaches: the stand-alone comprehensive convention/ban treaty or the framework agreement of mutually supporting instruments.

Recommendations

12. The New Agenda Coalition looks forward to a substantive discussion at the 2015 Review Conference on the "effective measures" required by article VI. To this end, the New Agenda Coalition:

(a) Expects dedicated sessions of the subsidiary body in Main Committee I to be devoted to an exploration of the legal approaches capable of advancing "effective measures";

(b) Calls for decisions to be taken to advance "effective measures" with appropriate follow-up in all disarmament forums, as well as by the General Assembly.

Conference on Disarmament

27 July 2015

Original: English

Australia

Working paper

Protection of sensitive information under FMCT verification[1]

Key points

- Provisions in model IAEA safeguards agreements are likely to provide an appropriate prototype for provisions in an FMCT whose purpose is to avoid or minimise the disclosure of proliferation-related or other sensitive information during verification at civil fuel-cycle facilities.
- Verification of the destruction or conversion of former weapons production facilities, or of the disposition of fuel for naval propulsion may need to be conducted under special managed access frameworks. The managed access provisions in INFCIRC/540 offer suitable principles, but details would need to be developed. Setting in a treaty verification objectives that embody an acceptable compromise between intrusive verification and protection of proliferation-sensitive information may be considered.
- Provisions on FMCT verification at undeclared locations, for example as part of a challenge inspection, may need to be closer to those for such inspections under the Chemical Weapons Convention (CWC) or Comprehensive Nuclear-Test-Ban Treaty (CTBT). Special guidance or technical measures could be considered to address concerns by States to protect particular kinds of sensitive information.
- Provisions on managed access in INFCIRC/540, the CTBT and the CWC (among other instruments) address an important balance between the rights of an inspected state party to protect sensitive information and its obligations to demonstrate

[1] Prepared by Mr. Peter Woolcott, Ambassador of Australia to the Conference on Disarmament (15 February 2010 – 1 September 2014) and Mr. Malcolm Coxhead, Director, Australian Safeguards and Non-Proliferation Office, Nuclear Non-Proliferation Section, Department of Foreign Affairs and Trade.

GE.15-12639 (E)

1512639

Please recycle

Analysis

1. Sensitivity may be attached to information or data related to verification activities because of the risk that unauthorised disclosure could pose for national, commercial interests or for nuclear proliferation. For example, in the case of excess weapon materials, concern over potential access to nuclear-weapon design (e.g. isotopics, classified shapes etc.) will attract strong national security sensitivities. Similarly, enrichment technologies may attract both national security and commercial sensitivities. Information associated with the physical security of nuclear material or facilities (to mitigate against the risk of theft and/or sabotage) will also attract national security sensitivities.

2. Effective procedures to avoid or minimise the disclosure of sensitive information or data during, or obtained from, verification activities is central to the cooperation of states with those activities, and to avoiding damage to the reputation of the verification organisation. Such procedures have been elaborated with respect to International Atomic Energy Agency (IAEA) safeguards, as well as verification under the CWC and CTBT. Minimising disclosure has two broad aspects:

(a) Negotiation of access by (by inspectors or the verification organisation) with the inspected state, the aim of which is to meet verification objectives but avoid the disclosure of sensitive information or data if the disclosure is not needed – often referred to as managed access

(b) Managing the circulation within, protection of, and disclosure beyond the verification organisation of verification information, i.e. need-to-know and confidentiality protections.

3. The model IAEA safeguards agreements INFCIRC/66/Rev.2 (facility–specific safeguards), INFCIRC/153(Corrected) (Comprehensive Safeguards Agreement) and INFCIRC/540 (Corrected) (the Additional Protocol) include provisions on some or all of these elements, as do the CWC and CTBT. Implementation of managed access provisions is done through negotiation with the inspected state, either ahead of time by the verification organisation or, if necessary, on site by inspectors. Implementation of the other measures is done through confidentiality policies and procedures of each of the organisations (those for the CTBT are under development).

Managed Access

4. The following elements on management of access are included in model IAEA safeguards agreements:

(a) INFCIRC/153 (model Comprehensive Safeguards Agreement):

- Does not include a managed access mechanism, but inspector access during routine inspections of nuclear inventory is limited to strategic points[2]
- Requires the Agency to arrange the visits and activities of inspectors to "... ensure protection of industrial secrets or any other confidential information coming to the inspectors" knowledge.

[2] The strategic points do not limit the IAEA's access for design information verification activities. Inspector access during special inspections is arranged "in agreement with the state" (the Board of Governors may press the state to provide additional access).

(b) INFCIRC/66 type agreements provide similarly, although access (whether for routine or special inspection) is defined in terms of access to a facility subject to the agreement.

(c) INFCIRC/540 (model AP):

- Includes a managed access mechanism stating that "Such arrangements shall not preclude the Agency from conducting activities necessary to provide credible assurance of the absence of undeclared nuclear material and activities at the location in question ..."

Verification at civil fuel cycle facilities and with respect to other declared civil activities

5. FMCT verification at civil fuel cycle facilities should be sufficiently similar to IAEA safeguards for the same information and data protection provisions to apply with respect to such facilities. This relates both to controls on access and on protection of confidential information and would be consistent with the aim of negotiating an FMCT that is non-discriminatory. If FMCT verification requires routine verification beyond strategic points, managed access provisions might be extended to such verification.

Managed access for verification at former weapons material production facilities and on the disposition of fuel for military propulsion

6. FMCT verification of the destruction or conversion of former weapons production facilities or on the disposition of fuel for military propulsion would likely need to be conducted under a managed access framework. The managed access provisions in INFCIRC/540 may offer suitable principles, including, importantly, the qualifier that such restrictions not preclude the verification agency from conducting activities necessary to provide credible assurance. It should, in principle, be possible for the verification organisation and the inspected state to negotiate detailed access procedures in advance of routine inspections. However treaty negotiators may wish also to include guidance on the scope and objectives of verification in these cases. Provisions of this kind have been included in bilateral agreements such as the 1997 *Agreement between the Government of The United States of America and the Government of the Russian Federation Concerning Cooperation Regarding Plutonium Production Reactors*. In order to achieve the objectives of the Agreement, the Parties undertake to permit monitoring of specified reactors to ensure that once shut down they remain in a non-operating status, as well as monitoring of other reactors to ensure that they operate only in an agreed mode. Monitoring of certain plutonium is included to ensure it is not used in nuclear weapons. The types of techniques to be applied to effect the monitoring are specified and rely on principles of containment and surveillance. For plutonium monitoring, restricted measurement of radioisotopes provided for.

Managed access for verification at undeclared locations

7. Provisions on FMCT verification at undeclared locations, for example as part of a challenge inspection, may need to be closer to those for such inspections under the CWC or the CTBT. Access under an FMCT challenge inspection could, in principle, involve the most sensitive facilities. Moreover, the opportunity to work out mutually-acceptable and site-specific access procedures in advance of an inspection will not be possible. The CWC and CTBT provisions are similar in most respects. The latter (with which the author is more intimately familiar) provides in relation to managed access, inter alia:

- The inspected State Party has the obligation to provide access within the inspection area for the sole purpose of determining facts relevant to the purpose of the inspection
- The inspected State Party has the right throughout the inspection area to take measures to protect sensitive installations and locations and to prevent disclosure of confidential information not related to the purpose of the inspection
- The inspected State Party has the right to make the final decision regarding any access of the inspection team, taking into account its obligations under this Treaty and the provisions on managed access.
- If the inspected State Party ... restricts access within the inspection area, it shall make every reasonable effort in consultations with the inspection team to demonstrate through alternative means its compliance with this Treaty.

8. The balance captured by these provisions is important for ensuring that the negotiation of managed access arrangements serves the objectives of both the inspected state and the verification organisation. The CTBT provides that the reports of inspections will include an account of cooperation granted by the inspected state, giving an opportunity for the future CTBT Organization's Executive Council an opportunity to review the balance achieved in negotiation of managed access.

Managed access for fissile material in classified forms

9. Managed access concepts for protection of fissile material in classified forms have also been developed by a working group under the so-called "Trilateral Initiative", focusing on IAEA verification of weapon-origin fissile material in the Russian Federation and the United States. An outcome from the initiative was the development of an attribute verification technique for placing classified weapon-origin plutonium under IAEA verification without revealing proliferation sensitive information. In order to confirm that the declared material was authentic, the technique performed attribute verification measurements (whereby an object is compared to a set of reference characteristics) behind information barrier technology to prevent classified information from being transmitted or otherwise conveyed beyond a secure environment. Outcomes from the Trilateral Initiative could facilitate steps by a nuclear weapons possessor state to commit fissile weapons components to verification to ensure they are not returned to weapons use, but did not include lessons for verification of the conversion of fissile components to unclassified forms and thus quantitative incorporation as stocks under an FMCT.

10. The so called UK-Norway initiative has also examined a number of the key challenges for protection of sensitive information during verification of the dismantlement of nuclear warheads. The sensitivities considered have not been limited to proliferation sensitivity, but also national and nuclear security concerns. So far work has been targeted at particular practical challenges. Concepts immediately useful for inclusion in treaty-level guidance in an FMCT have not been a focus of the work. The concepts and techniques developed in relation to information barriers, data and equipment authentication, and containment and surveillance tools may nevertheless offer specific lessons useful for an FMCT.

Confidentiality procedures

11. The following elements on protection of confidential information are included in model IAEA safeguards agreements. These provisions provide a good model for much of the verification likely to be required under an FMCT.

(a) INFCIRC/153 (model CSA):

- requires the Agency to "take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement"
- requires that communication of information relating to safeguards implementation "may be given to the Board of Governors and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing the Agreement."

(b) INFCIRC/540 (model AP):

- Article 15 provides that

  (a) The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol.

  (b) The regime referred to in paragraph a. above shall include, among others, provisions relating to:

  (i) General principles and associated measures for the handling of confidential information;

  (ii) Conditions of staff employment relating to the protection of confidential information;

  (iii) Procedures in cases of breaches or alleged breaches of confidentiality.

  (c) The regime referred to in paragraph a. above shall be approved and periodically reviewed by the Board.

12. The CWC, in its Annex on Confidentiality, goes into greater detail than other treaties on measures for the protection of confidential information gathered during verification activities. It requires the Director-General to establish a stringent regime governing the handling of confidential information by the Technical Secretariat, and provides guidance on the classification of information based on its level of sensitivity. It also details the circumstances in which verification data could be released. This includes data provided to States Parties to help assure them of the continued compliance of other States Parties. The CWC's confidentiality regime has been described as overly stringent. Its strongest provisions may be appropriate for the most sensitive information. However the explicit role of states in classifying data makes over-classification a risk.

Additional measures

13. Additional technical measures have been developed for the CWC and CTBT to address concerns by States to protect particular kinds of sensitive information. Procedures have been developed (inter-alia):

- for checking of inspection equipment by the inspected state
- for escorting of inspectors
- for sample taking and analysis
- for decontamination of clothing and equipment surfaces (or the use of disposable items), to prevent the disclosure of sensitive data if these are taken off-site
- to purge computer equipment of data
- to manage photography so that non-relevant information is not included
- to hold more sensitive information on-site under joint seal, either during or after an inspection.

14. Detailed guidance on the application of these sorts of measures is being addressed for the CTBT in the Operational Manual for On-Site Inspection (OSI) that is being negotiated by States Signatories, as well as in policies being developed by the CTBTO's Provisional Technical Secretariat. A similar manual for challenge inspections under the CWC has been developed under the control of the OPCW's Technical Secretariat. The development of these arrangements is not based purely on theoretical considerations. Both the CWC and CTBTO carry out inspection exercises that put procedures to the test. In November-December of 2014 the CTBTO will conduct a major OSI exercise over several weeks in Jordan. Lessons from that work should help to refine OSI procedures.

15. As discussions among states on the draft OSI Operational Manual for the CTBT have proceeded, a number of lessons for future treaty drafters have emerged. Key amongst these is the importance of ensuring that various treaty provisions and terminology are clear and can work effectively together.

16. Probably the hardest risk to address in relation to the protection of sensitive information is the inspector. There are no (permitted) techniques to purge information from inspector memory. Disciplinary or legal action can deter unauthorised disclosure, but is not an easy solution. In so far as there may be a concern about the reliability of individual inspectors, INFCIRC/153, INFCIRC/540, the CWC and CTBT offer scope for states to reject the designation of particular persons for inspection in their territory. Other requirements, such as for another inspector to be present when sensitive information is accessed, are possible also. The negotiation of effective managed access arrangements is the best solution however, in order to avoid exposing inspectors to sensitive information.

Conference on Disarmament

28 July 2015

English only

Australia

Working paper

Corrigendum

Protection of sensitive information under FMCT verification[1]

Box on key points *should read*

Key points

- Provisions in model IAEA safeguards agreements are likely to provide an appropriate prototype for provisions in an FMCT whose purpose is to avoid or minimise the disclosure of proliferation-related or other sensitive information during verification at civil fuel-cycle facilities.
- Verification of the destruction or conversion of former weapons production facilities, or of the disposition of fuel for naval propulsion may need to be conducted under special managed access frameworks. The managed access provisions in INFCIRC/540 offer suitable principles, but details would need to be developed. Setting in a treaty verification objectives that embody an acceptable compromise between intrusive verification and protection of proliferation-sensitive information may be considered.
- Provisions on FMCT verification at undeclared locations, for example as part of a challenge inspection, may need to be closer to those for such inspections under the Chemical Weapons Convention (CWC) or Comprehensive Nuclear-Test-Ban Treaty (CTBT). Special guidance or technical measures could be considered to address concerns by States to protect particular kinds of sensitive information.
- Provisions on managed access in INFCIRC/540, the CTBT and the CWC (among other instruments) address an important balance between the rights of an inspected state party to protect sensitive information and its obligations to demonstrate compliance. Such a balance will need to be reflected in managed access provisions in an FMCT.

[1] Prepared by Mr. Peter Woolcott, Ambassador of Australia to the Conference on Disarmament (15 February 2010 – 1 September 2014) and Mr. Malcolm Coxhead, Director, Australian Safeguards and Non-Proliferation Office, Nuclear Non-Proliferation Section, Department of Foreign Affairs and Trade.

GE.15-12752 (E)

1512752

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CD/2028

Conference on Disarmament

27 July 2015

Original: English

Australia

Working paper

Fissile material[1] types potentially relevant to FMCT verification[2]

[1] Aims to cover all of the main proposed fissile material definitions.

[2] Prepared by Mr. John Quinn, Ambassador of Australia to the Conference on Disarmament and Mr. Malcolm Coxhead, Director, Australian Safeguards and Non-Proliferation Office, Nuclear Non-Proliferation Section, Department of Foreign Affairs and Trade.

GE.15-12640 (E)

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	Risk to FMCT	*Value added to FMCT by verification of non-diversion*	*Verification challenge*	*Main facilities to be verified*
LEU in bulk forms such as UF6, UO2	Risk for undeclared enrichment	"light" verification would be of value	methodologies available	enrichment, conversion and fuel fabrication facilities
LEU in non-bulk forms	Low risk for undeclared enrichment	low	methodologies available	fuel fabrication facilities and nuclear reactors
unseparated Pu, U-233 in irradiated fuel	Risk for undeclared reprocessing	"light" verification would be of value for fast breeder blanket fuel, otherwise low value	methodologies available[3] but for dry storage are challenging	nuclear reactors and off-site stores
separated plutonium, HEU and U-233 in bulk forms	Moderate to high risk for use in weapons	high	methodologies available, new managed access approaches may be needed for some facilities2	enrichment and reprocessing facilities, some fuel fabrication facilities
HEU, U-233 and plutonium in unirradiated fuels	Moderate risk for use in weapons	moderate	methodologies available2	some conversion and fuel fabrication facilities, some nuclear reactor sites
separated Np, Am	Low to moderate risk for use in weapons	moderate	available methodologies may be adapted	reprocessing plants
small quantities of fissile material used for isotope production or in research	Low risk for use in weapons	low	methodologies available	isotope production facilities, R&D laboratories, locations outside facilities
fabricated unirradiated LEU naval fuel	Low risk for undeclared enrichment	low	necessary methodologies not yet developed, significant managed access issues need to be addressed	Small in number
HEU for naval fuel in bulk forms	Moderate to high risk for use in weapons	moderate-high	available methodologies may be adapted, but significant managed access issues need to be addressed	small in number

[3] Measurement techniques for U-233 need to be developed.

	Risk to FMCT	*Value added to FMCT by verification of non-diversion*	*Verification challenge*	*Main facilities to be verified*
fabricated unirradiated HEU naval fuel	Moderate risk for use in weapons	moderate	necessary methodologies not yet developed, significant managed access issues need to be addressed	small in number
'excess' fissile material in weapons forms	High risk for use in weapons	high	necessary methodologies not yet developed, significant managed access issues need to be addressed, proliferation-sensitive information must be protected	small in number

Conference on Disarmament

5 August 2015

Arabic, Chinese, English, French and Russian only

Australia

Working paper

Corrigendum

Fissile material[1] types potentially relevant to FMCT verification[2]

Subsitute table *to read*

[1] Aims to cover all of the main proposed fissile material definitions.

[2] Prepared by Mr. John Quinn, Ambassador of Australia to the Conference on Disarmament and Mr. Malcolm Coxhead, Director, Australian Safeguards and Non-Proliferation Office, Nuclear Non-Proliferation Section, Department of Foreign Affairs and Trade.

GE.15-13097(E)

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	Risk to FMCT	*Value added to FMCT by verification of non-diversion*	*Verification challenge*	*Main facilities to be verified*
LEU in bulk forms such as UF6, UO2	Risk for undeclared enrichment	"light" verification would be of value	methodologies available	enrichment, conversion and fuel fabrication facilities
LEU in non-bulk forms	Low risk for undeclared enrichment	low	methodologies available	fuel fabrication facilities and nuclear reactors
unseparated Pu, U-233 in irradiated fuel	Risk for undeclared reprocessing	"light" verification would be of value for fast breeder blanket fuel, otherwise low value	methodologies available[3] but for dry storage are challenging	nuclear reactors and off-site stores
separated plutonium, HEU and U-233 in bulk forms	Moderate to high risk for use in weapons	high	methodologies available, new managed access approaches may be needed for some facilities[3]	enrichment and reprocessing facilities, some fuel fabrication facilities
HEU, U-233 and plutonium in unirradiated fuels	Moderate risk for use in weapons	moderate	methodologies available[3]	some conversion and fuel fabrication facilities, some nuclear reactor sites
separated Np, Am	Low to moderate risk for use in weapons	moderate	available methodologies may be adapted	reprocessing plants
small quantities of fissile material used for isotope production or in research	Low risk for use in weapons	low	methodologies available	isotope production facilities, R&D laboratories, locations outside facilities
fabricated unirradiated LEU naval fuel	Low risk for undeclared enrichment	low	necessary methodologies not yet developed, significant managed access issues need to be addressed	Small in number
HEU for naval fuel in bulk forms	Moderate to high risk for use in weapons	moderate-high	available methodologies may be adapted, but significant managed access issues need to be addressed	small in number

[3] Measurement techniques for U-233 need to be developed.

	Risk to FMCT	*Value added to FMCT by verification of non-diversion*	*Verification challenge*	*Main facilities to be verified*
fabricated unirradiated HEU naval fuel	Moderate risk for use in weapons	moderate	necessary methodologies not yet developed, significant managed access issues need to be addressed	small in number
'excess' fissile material in weapons forms	High risk for use in weapons	high	necessary methodologies not yet developed, significant managed access issues need to be addressed, proliferation-sensitive information must be protected	small in number

Conference on Disarmament

7 August 2015

Original: English

Appointment of the Secretary-General of the Conference on Disarmament

On 6 July 2015, the Secretary-General of the United Nations appointed Mr. Michael Møller as Secretary-General of the Conference on Disarmament in accordance with rule 14 of the rules of procedure of the Conference.

The exchange of correspondence as reproduced herein, documents for the official records of the Conference, the process leading to Mr. Møller's appointment.

GE.15-13397(E)

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1 July 2015

Allow me to take this opportunity to congratulate you on your assumption of the Presidency of the Conference on Disarmament.

On 1 July 2015, I appointed Mr. Michael Møller as Director-General of the United Nations Office at Geneva. I would like to inform you, in your capacity as President of the Conference on Disarmament, of my intention to appoint Mr. Møller as Secretary-General of the Conference on Disarmament, who will also act as my personal representative to the Conference. In accordance with rule 13 of the rules of procedure of the Conference, I would appreciate it if you could consult the Conference to seek its concurrence with this appointment.

(*Signed*) BAN Ki-moon

His Excellency
Ambassador Maung Wai
President
Conference on Disarmament
Geneva

2 July 2015

Please find attached a letter dated 1 July 2015 from the Secretary-General of the United Nations, Mr. BAN Ki-moon, informing me of his intention to appoint Mr. Michael Møller, Director-General of the United Nations Office at Geneva, as Secretary-General of the Conference on Disarmament, serving also as his Personal Representative to the Conference.

In accordance with rule 13 of the rules of procedure of the Conference on Disarmament, I seek the concurrence of the members of the Conference on the appointment of Mr. Michael Møller as Secretary-General of the Conference on Disarmament and Personal Representative of the United Nations Secretary-General to the Conference.

In the absence of any objection by midnight 4 July 2015 CET by any member of the Conference, it is my intention to reply to the letter of Secretary-General BAN Ki-Moon informing him that members of the Conference on Disarmament concur with the intended appointment of Mr. Møller.

(Signed) Maung Wai
President
Conference on Disarmament

Member States of the Conference on Disarmament
Geneva
Switzerland

5 July 2015

Please accept my appreciation for the kind letter of 1 July 2015 addressed to me in my capacity as President of the Conference on Disarmament and in which you have asked me to seek concurrence of the Conference on Disarmament with your intention to appoint Mr. Michael Møller, Director-General of the United Nations Office at Geneva, as Secretary-General of the Conference on Disarmament and to act as your Personal Representative.

I have the pleasure to report that I have consulted all the member States of the Conference and have not received any objection to your intention to appoint Mr. Michael Møller as Secretary-General of the Conference on Disarmament and your Personal Representative to the Conference.

(*Signed*) Maung Wai
President of the Conference on Disarmament

H.E. Mr. Ban Ki-moon
Secretary-General
The United Nations
New York

6 July 2015

I would like to thank you for your letter of 5 July 2015 with respect to the appointment of the Secretary-General of the Conference on Disarmament. Following the concurrence of the Conference, I have the pleasure to inform you that I have appointed Mr. Michael Møller, Director-General of the United Nations Office at Geneva, as Secretary-General of the Conference on Disarmament and as my Personal Representative.

Allow me to seize this opportunity to congratulate you on the way you have guided the deliberations in the Conference during your Presidency. While the political differences that have prevented the Conference to begin negotiations on any of its agenda items still persist, I am grateful that you and your predecessors in the 2015 session have managed to have serious and constructive discussions on various issues. If and when the Conference manages to overcome its differences, these and other efforts will undoubtedly contribute to successful negotiations.

(Signed): BAN Ki-moon

His Excellency
Ambassador Maung Wai
President
Conference on Disarmament
Geneva

Conference on Disarmament

13 August 2015

Original: English

Indonesia
on behalf of member States of G-21

Working paper

Method of Work of the Conference on Disarmament and Revitalization

1. The Group of 21 would like to stress that the Conference on Disarmament is the single multilateral disarmament negotiating forum mandated by the First Special Session of the United Nations General Assembly Devoted to Disarmament (SSODI) and emphasize the importance of preserving it by strengthening the nature, role and mandate of this body. We must underscore the need to redouble our efforts in order to reinforce and revitalize the Conference on Disarmament and preserve its credibility through the resumption of substantive work including, inter alia, the negotiations on nuclear disarmament. The G-21 reaffirms its working papers submitted to the Conference in 2014, on the Follow-up to the 2013 High-Level Meeting of the General Assembly on nuclear disarmament, on Nuclear Disarmament, on Negative Security Assurances and on Prevention of an Arms Race in Outer Space.

2. Nuclear disarmament continues to be the highest priority of the international community. The G-21 reiterates its deep concern at the danger posed to the survival of humankind by the continued existence of nuclear weapons and of their possible use or threat of use. The Group, stressing its strong commitment to nuclear disarmament, underscores the urgent need to commence negotiations on this issue in the Conference, without further delay. As the highest priority, the Conference on Disarmament should start negotiations on a phased programme for the complete elimination of nuclear weapons, including a nuclear-weapons convention prohibiting the possession, development, production, stockpiling, transfer and use of nuclear weapons, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons, with a specified framework of time. In this context, the Group recalls its working paper contained in CD/1999 that calls for the urgent commencement of negotiations on nuclear disarmament in the Conference on Disarmament, in particular on a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

3. The Group welcomes the formal proclamation, for the first time in history, of Latin America and the Caribbean as Zone of Peace, on the occasion of the Second Summit of the Community of Latin American and Caribbean States (CELAC), held in Havana, Cuba, on 28-29 January 2014, which includes the commitment of all States of that region to further

Please recycle

nuclear disarmament as a priority goal and to contribute to general and complete disarmament. Hopefully, this proclamation will be followed by other political proclamations as "Zone of Peace" in other regions of the world.

4. The Group reaffirms the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, and expresses its determination to promote multilateralism as the core principle of negotiations in these areas. The Group welcomes the convening of the High Level Meeting of the General Assembly on Nuclear Disarmament on 26 September 2013 and reaffirms its related resolution A/RES/68/32 to follow up to this meeting. As the Secretary General of the UN rightly mentioned in the Conference on Disarmament last year "The High-level Meeting of the General Assembly on Nuclear Disarmament demonstrated that this issue remains a major international priority and deserves attention at the highest levels". In this vein, the Group fully supports the goals of this resolution in particular its call for urgent decision by the Conference on Disarmament to commence negotiation on nuclear disarmament, particularly a comprehensive Convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction. The Group also welcomes the decision to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard.

5. The Group reaffirms the importance of the multilateral disarmament machinery. It notes the report of the Open-Ended Working Group mandated by the United Nations General Assembly "to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons" and hopes that it would contribute towards negotiations on nuclear disarmament in the Conference, particularly a comprehensive Convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction. To this end, the Group welcomes UNGA Resolution A/RES/68/46, which recognizes that the Open-ended Working Group engaged in an open, constructive, transparent and interactive manner to address various issues related to nuclear disarmament.

6. The Group reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. Pending the achievement of the complete elimination of such weapons, the Group reaffirms the urgent need for the conclusion of a universal, unconditional and legally binding instrument to effectively assure non-nuclear-weapon States against the use or threat of use of nuclear weapons as a matter of high priority. The Group expresses concern that despite the commitment of the nuclear weapon States and long standing requests by non-nuclear-weapon States to receive such legally binding assurances, no tangible progress has been achieved in this regard. It is a matter of more concern that non-nuclear-weapon States implicitly or explicitly have been subject to nuclear threats by some nuclear weapon States contrary to their obligations under the Charter of the United Nations. The Group also calls for the commencement of negotiations in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances in accordance with United Nations General Assembly resolution A/RES/69/69.

7. The Group concurs with the Secretary-General of the United Nations that there is a growing understanding of the catastrophic humanitarian consequences of any use of nuclear weapons, and in this regard welcomes the hosting of the Conferences on this subject, convened in Oslo on 4-5 March 2013, in Mexico on 13-14 February and in Vienna on 8-9 December 2014.

8. In this context, the Group expresses its deepest concern over the immediate, indiscriminate, and massive death and destruction cause by any nuclear weapon detonation

and its long term catastrophic consequences on human health, environment, and other vital economic resources, thus endangering the life of present and future generations. In this regard, the Group believes that the full realization of the catastrophic consequences of nuclear weapons must underpin all approaches, efforts and international commitments towards nuclear disarmament, through an inclusive process involving all States.

9. The States Parties of the Group of 21 to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) welcome the spirit of the findings of the Conferences on the Humanitarian Impact of Nuclear Weapons. These must be adequately reflected in the outcome of the 2015 NPT Review Conference, together with the spirit of the pledges and national statements made by many states during and since the Vienna Conference aimed at securing progress on nuclear disarmament through the negotiation of legally binding effective measures, particularly a comprehensive convention on nuclear weapons, with a specified framework of time. We call on all nuclear weapon states parties to the NPT to implement their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed to under Article VI. Given the catastrophic humanitarian consequences and unacceptable risks and threats associated with a nuclear weapon' detonation, we will endeavour to cooperate with all relevant stakeholders in efforts to prohibit and eliminate nuclear weapons.

10. The G-21 expresses its disappointment that the Conference on Disarmament has not been able to undertake substantive work on its agenda. The Group takes note of various efforts to reach consensus on the Conference on Disarmament's programme of work including the programme of work adopted on 29 May 2009 that was not implemented and all subsequent efforts and proposals for a programme of work, including those tabled on 14 March 2012, 11 February 2013, 21 June 2013, 13 August 2013 and 29 January 2015, that were not adopted, and the decision adopted in 2013 on the establishment of the Informal Working Group, with a mandate to produce a programme of work and its re-establishment on the 3rd March, 2014.

11. The Group reiterates the urgency that the Conference on Disarmament should adopt and implement a balanced and comprehensive programme of work on the basis of its agenda, while taking into account the security interests of all States and dealing with, inter alia, the core issues, including nuclear disarmament, in accordance with the rules of procedure, including the rule of consensus.

12. The Group furthermore believes that promoting the work of the United Nations disarmament machinery hinges on the need to exercising political will, taking into account the collective security interests of all States.

13. While expressing its deep concern over the persistent lack of consensus on the implementation of the multilateral disarmament agenda in the United Nations disarmament machinery, particularly in fulfilling the commitments on nuclear disarmament as the highest priority, the Group reaffirms its support for an early convening of the Fourth Special Session of the United Nations General Assembly Devoted to Disarmament (SSOD-IV) and expresses its deep concern over the fact that SSOD IV is yet to be convened.

14. The Group of 21 reiterates the importance of the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction and deeply regrets the delay of concrete actions to that end.

15. The States Parties of the Group of 21 to the NPT expresses their continued concern that one of the important decisions of the 2010 NPT Review Conference, namely convening a Conference by the United Nations and co-sponsors of the 1995 NPT Review and Extension Conference resolution on establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction in 2012, was not realized. The G-21 States Parties to the NPT are disappointed that the following efforts to convene such a

conference in 2013 and 2014 were also not successful. They stress that the agreed mandate of the conference as contained in 1995 NPT Review and Extension Conference resolution on the Middle East and the 2010 NPT Review Conference Action Plan should be maintained and constitute the basis for convening the Conference as well as its preparatory process.

16. The Group welcomes the upcoming Third Conference of States Parties and Signatories of the Nuclear Weapons Free Zones and Mongolia 2015, to be convened in New York in April 2015.

17. The Group recognizes the importance of continuing consultations on the question of the possibility of expansion of the membership of the Conference on Disarmament.

18. The Group also recognizes the importance of engagement between civil society and the Conference on Disarmament, according to decisions taken by the Conference, and continues to support the strengthening of the Conference on Disarmament 's interaction with civil society. In this regard, the Group welcomes the convening of the Conference on Disarmament-Civil Society Forum on 19 March 2015 to be hosted by the Acting Secretary-General of the Conference on Disarmament.

CD/2031

Conference on Disarmament

13 August 2015

Original: English

Indonesia
on behalf of member States of G-21

Working paper

Prevention of an arms race in outer space (PAROS)

1. The Group believes that space technology has indeed become an indispensable and integral part of our daily lives. Never before have information, communication, banking, economic transactions, navigation, and even political and strategic decision making been so dependent on space-based technologies, which are themselves witnessing rapid growth.

2. The Group reiterates that outer space and other celestial bodies are the common heritage of humankind and must be used, explored and utilized for the benefit and interest of all humankind in a spirit of cooperation. The Group reaffirms that the exploration and use of outer space and other celestial bodies shall be for peaceful purposes only and shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development.

3. The Group stresses that the growing use of outer space requires all States to take actions to ensure greater transparency, confidence building measures and better information. The Group believes that all States with major space capabilities have a special responsibility to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space. All States should refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation.

4. The Group recognizes that the prevention of an arms race in outer space would avert a grave danger for international peace and security. The Group emphasizes the necessity of undertaking further measures with appropriate and effective verification provisions to prevent an arms race in outer space in all its aspects.

5. The Group emphasizes the importance and urgency of preventing an arms race in outer space and the paramount importance of strict compliance with the existing legal regime concerning the use of outer space. In this regard, the Group is deeply concerned over the increasing threat of weaponization of outer space including the negative implications of the development and deployment of anti-ballistic-missile defence systems and the pursuit of advanced military technologies capable of being deployed in outer space which have, inter alia, contributed to the further weakening of an international climate conducive to the promotion of disarmament and the strengthening of international security.

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6. The Group stresses that all States bear a responsibility to refrain from activities that could jeopardize the collective goal of preserving outer space free from weapons of mass destruction and all other forms of weaponization so as to ensure that its benefits are available to all.

7. The Group considers that the multilateral disarmament agreements provide mechanisms for States Parties to consult one another and cooperate in solving any problems which may arise in relation to the objective of, or in the application of, the provisions of the agreements, and that such consultations and cooperation may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with the Charter of the United Nations.

8. The prevention of an arms race in outer space has assumed greater urgency because of legitimate concerns that existing legal instruments are inadequate to deter further militarization of outer space, or prevent its weaponization. The Group further reaffirms its recognition that the legal regime applicable to outer space does not in and of itself guarantee the prevention of an arms race in outer space. For that purpose, the Group stresses the need to consolidate and reinforce that regime and enhance its effectiveness.

9. In this regard, the Group reaffirms that the Conference on Disarmament is the single multilateral disarmament negotiating forum of the international community, which has the primary role in conducting substantive negotiations on priority issues of disarmament. The Group, therefore, believes that the Conference on Disarmament should start negotiations on matters related to the "Prevention of an arms race in outer space" without delay.

10. While welcoming the adoption of resolution 69/31 entitled "Prevention of an arms race in outer space" by the United Nations General Assembly, the Group recalls that the resolution made the following observations with regard to the Conference on Disarmament:

(a) The Conference on Disarmament has the primary role in the negotiation of a multilateral agreement or agreements on the prevention of an arms race in outer space in all its aspects; and

(b) The Conference on Disarmament should establish a working group under its agenda item entitled "Prevention of an arms race in outer space" as early as possible during its 2015 session.

11. The Group takes note of the completion of the work of the Group of Governmental Experts and the adoption of a study on outer space transparency and confidence-building measures as requested by resolution 65/68 of the General Assembly of the United Nations on "Transparency and confidence-building measures in outer space activities", which was adopted by consensus at the sixty-eighth session of the General Assembly of the United Nations. The Group, while stressing the priority of negotiating legally binding instruments for reinforcing the international legal regime on outer space, recognizes that global and inclusive transparency and confidence building measures, reached at through broad international consultations, could be important complementary measures. The Group recognizes the value of Transparency and confidence-building measures in outer space activities including a non-legally binding code of conduct in promoting trust among States. However, such voluntary measures cannot be a substitute for a legally binding treaty on prevention of an arms race in outer space (PAROS).

12. The Group welcomes the updated draft treaty text submitted jointly by the Russian Federation and China on the "Prevention of the placement of weapons in outer space, the threat or use of force against outer space objects" (PPWT) to the Conference on Disarmament in June 2014. This initiative is a constructive contribution to the work of the Conference, and is a good basis for discussions toward adopting an international binding instrument.

13. The Group also welcomes the adoption of Resolution 69/32 entitled "No first placement of weapons in outer space" by the UN General Assembly on 11 December 2014.

14. The Group takes notes of the substantive and interactive informal discussions on prevention of an arms race in outer space (PAROS) held in the Conference on Disarmament from 11-13 June 2014 pursuant to the Schedule of Activities of the 2014 session contained in document CD/1978.

Conference on Disarmament

13 August 2015

Original: English

Indonesia
On behalf of Member States of G-21

Working Paper

Follow-up to the 2013 High-Level Meeting of the General Assembly on Nuclear Disarmament

1. The strong support of the international community for taking urgent and effective measures to achieve the total elimination of nuclear weapons was amply demonstrated at High-Level meeting of the General Assembly on Nuclear Disarmament held on 26 September 2013, when heads of state and government, foreign ministers, and other high-level or senior government officials expressed their unambiguous position and policies for nuclear disarmament, in response to the decision adopted in the General Assembly resolution 67/39.

2. Subsequent to this High Level Meeting, the General Assembly adopted resolutions 68/32 and 69/58 entitled "Follow-up to the 2013 High-Level Meeting of the General Assembly on Nuclear Disarmament". These resolutions called for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

3. The resolutions also requested the Secretary-General to seek the views of Members States with regard to achieving the objective of the total elimination of nuclear weapons, in particular on the elements of a comprehensive convention on nuclear weapons, and to submit a report thereon to the General Assembly, and the Conference on Disarmament.

4. The General Assembly also decided to convene a United Nations high-level international conference on nuclear disarmament no later than 2018 to review progress made in this regard, and declared 26 September as the International Day for the Total Elimination of Nuclear Weapons.

5. The Group stresses the importance of the commemoration, of the International Day for the Total Elimination of Nuclear Weapons, which falls on 26 of September. In this regard, the Group expresses its appreciation to Member States, the United Nations system and civil society, including non-governmental organizations, academia, parliamentarians, the mass media and individuals that developed activities in promotion of this International Day, through all means of educational and public awareness-raising activities about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in

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order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world. The Group invites all stakeholders to continuously promote the International Day for the Total Elimination of Nuclear Weapons.

6. Secretary-General of the United Nations Ban-ki Moon, in his address to the opening plenary meeting of the Conference on Disarmament on 21 January 2014, noted that "the High-level Meeting of the General Assembly on Nuclear Disarmament demonstrated that this issue remains a major international priority". The Secretary-General warned against the revival of the mentality of the Cold War. He also underlined the urgency of taking collective action by saying "Do not hide behind utopian logic which says that until we have the perfect security environment, nuclear disarmament cannot proceed. This is old think. This is the mentality of the Cold War".

7. The Group welcomes the formal proclamation of Latin America and the Caribbean as Zone of Peace, on the occasion of the Second Summit of the Community of Latin American and Caribbean States (CELAC), held in La Habana, Cuba, on 28-29 January 2014. The 33 member countries of CELAC declare to promote nuclear disarmament as a priority goal as part of the progress towards general and complete disarmament, in order to promote the strengthening of trust among nations. CELAC once again reiterates its standing commitment to continue working for Latin America and the Caribbean remains and be strengthened as a Zone of Peace, thereby contributing to regional and international security.

8. The persistent existence of nuclear weapons poses a grave threat to humanity and all life on Earth, and the only defence against the catastrophic humanitarian consequences of a nuclear detonation is the total and irreversible legally binding elimination of nuclear weapons and the maintenance of a nuclear weapon free world.

9. Nuclear disarmament is the highest priority of the Conference on Disarmament. The Group reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against their use or threat of use. The fulfilment of nuclear disarmament obligations and commitments would mutually reinforce non-proliferation. Nuclear disarmament has to be pursued in a comprehensive and non-discriminatory manner.

10. The Group is mindful of the solemn obligations of States Parties, undertaken in Article VI of the NPT, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and calls for urgent compliance with the legal obligation of the fulfilment of the commitments undertaken in this field.

11. The Group acknowledges the significant contribution made by a number of countries towards realizing the objective of nuclear disarmament through the establishment of nuclear weapons free zones, as well as by voluntary renunciation of nuclear weapons programmes or withdrawal of all nuclear weapons from their territories, and strongly supporting the speedy establishment of a nuclear weapons free zone in the Middle East.

12. The Group is deeply concerned by the persistent reluctance of nuclear weapons states to approach their treaty obligation as an urgent commitment to the total elimination of their nuclear weapons by providing pretexts unacceptable due to the urgency of making concrete actions to avert the adverse consequences of nuclear weapons.

13. In this connection, the Group recalls the unanimous conclusion of the International Court of Justice in its 1996 Advisory Opinion that there exists an obligation to pursue in good faith and bring to conclusion the negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

14. It is the firm belief of the Group that the time has come to words into action. Accordingly, the Group takes this opportunity to call for the implementation of General Assembly of the United Nations resolutions 68/32 and 69/58 . In this connection, the Group

calls for the urgent commencement of negotiations on nuclear disarmament in the Conference on Disarmament, in particular on a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

CD/2033

Conference on Disarmament

17 August 2015

Original: English

Final report on the work of the Informal Working Group re-established pursuant to rule 23 of its rules of procedure, with a mandate to produce a programme of work robust in substance and progressive over time in implementation

(Adopted at the 1363rd plenary meeting on 17 August 2015)

1. It is my honour as the co-Chair of the Informal Working Group to the Conference on Disarmament, established under the decision CD/2022 of 10th June 2015, to submit my report to the President of the Conference on the work of the Informal Working Group and on the related informal consultations held in 2015. This Informal Working Group followed on from the work previously undertaken by Mr. Luis Gallegos, Ambassador of Ecuador and Mr. Peter Woolcott, Ambassador of Australia in the Informal Working Group established in 2014 and 2013 pursuant to CD/1974 and CD/1956/Rev.1 respectively.

2. The mandate of the Informal Working Group was to produce a programme of work, robust in substance and progressive over time in implementation, at the earliest possible date in its 2015 session.

3. I, pursuant to para 5 of CD/2022, and upon the agreement of the respective Presidents of the Conference, Mr. Maung Wai, Ambassador of Myanmar and Mr. Henk Cor van der Kwast, Ambassador of the Netherlands have conducted consultations on a programme of work, exploring possibilities for a negotiation mandate for any of the agenda items. To this end, I have convened two open meetings which were attended by the members and observers States of the Conference. These meetings were held on the 19th June 2015 and on the 3rd July 2015. Delegations participated actively in these deliberations, which provided a rich exchange of views and proposals that highlighted the importance of the Conference on Disarmament as a single multilateral negotiating forum.

4. Concurrently, while continuing to seek a path towards renewed negotiations, the Conference on Disarmament decided in June 2015 under the Moroccan Presidency to convene informal open-ended meetings for holding structured and substantive discussions on its agenda items (a schedule of activities). The subsequent discussions in the 2015 session of the Conference in relation to the schedule of activities, carried out under a relatively short period of time, provided a valuable opportunity for delegations to exchange views, to identify issues of commonality and points of divergence, and to lay the groundwork to facilitate possible future negotiations following the adoption of a programme of work. These discussions provided a useful and constructive way to explore in depth the issues under each agen a item and provided helpful indications as how to proceed forward. However, these discussions did not lead to a consensus which would have enabled the Conference to adopt a programme of work.

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5. My consultations, which I carried out in my capacity as the co-Chair, started immediately after the adoption of the decision CD/2022 on the 10th June 2015 and finished for practical reasons before the beginning of August 2015. I recognized the challenges, including the very limited period of time, that I would face while undertaking my consultations. After several bilateral, regional and Informal Working Group consultations, it became clear that at this stage a consensus could not be reached to take forward a programme of work in relation to any of the four core issues, or any other agenda item of the Conference on Disarmament. However, during my consultations several forward looking, and potentially helpful, ideas and proposals were presented by delegations and some of them were discussed at the meetings of the Informal Working Group. I am most grateful for delegations for their activity and genuine attempts to seek means to overcome the impasse.

6. My conclusions on the basis of the consultations include, but are not limited to, the following points:

(a) The focus on the core agenda items should remain as a priority in order to find a consensus formula for a comprehensive and balanced programme of work;

(b) Should a consensus emerge on any possible new items, the current agenda of the Conference on Disarmament is flexible enough for the Conference to deal with any such item;

(c) The primary objective of Conference is to negotiate legally binding instruments, which should remain as the primary objective. Also, politically binding agreements, as well as other proposals, could be considered possibly as a means of a stepping stone towards legally binding agreements;

(d) The Conference on Disarmament, if agreed, could continue to consider holding structured in-depth deliberations, with greater specificity and allocation of time on agenda items, including through the participation of scientific and technical experts on specific topics, to enhance understanding and common ground beneficial to future negotiations that the Conference could undertake; and

(e) It would seem to be helpful to continue to explore further on how to take forward the above-mentioned and other ideas in a structured and inclusive manner.

(Signed) Päivi Kairamo
Ambassador, Permanent Representative of Finland

Conference on Disarmament

21 August 2015

Original: English

Letter dated 21 August 2015 from the President of the Conference on Disarmament and Permanent Representative of the Netherlands to the Conference on Disarmament transmitting a letter from Latvia as the Coordinator of the Informal Group of Observer States, transmitting a working paper on enlargement

I have the honour to transmit herewith a letter addressed to me in my capacity as President of the Conference on Disarmament from the Permanent Mission of the Republic of Latvia as the Coordinator of the Informal Group of Observer States (IGOS), representing 39 observer States of the Conference, requesting me to circulate their working paper among the members of the Conference as an official document.

In this regard, I shall be grateful if the letter and the attached paper from the Coordinator of the Informal Group of Observer States entitled "Working paper on enlargement" be registered as an official document of the 2015 session of the Conference on Disarmament.

(*Signed*) Henk Cor van der Kwast
President
Conference on Disarmament
Permanent Representative of the Netherlands
to the Conference on Disarmament

GE.15-14215(E)

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Geneva, 20 Aug 2015

The Permanent Mission of the Republic of Latvia to the United Nations in Geneva presents its compliments to the President of the Conference on Disarmament, His Excellency Henk Cor van der Kwast, the Permanent Representative of the Netherlands to the Conference on Disarmament in Geneva. The Republic of Latvia as the Coordinator of the Informal Group of Observer States (IGOS), representing 39 countries that are observers to the Conference on Disarmament, has the honour to present a working paper on enlargement, prepared by IGOS.

The Permanent Mission of the Republic of Latvia would like to kindly request the President of the Conference on Disarmament to circulate this working paper among the member States of the Conference as an official document of the Conference on Disarmament.

Informal Group of the Observer States (IGOS) to the Conference on Disarmament

Working Paper on Enlargement

1. All members of the Informal Group of Observer States (IGOS) attach great importance to the Conference on Disarmament as the single multilateral negotiating forum in the field of arms control and are strongly committed to advance global disarmament and non-proliferation goals.

2. Until 2015 a total of 39 States have expressed interest in participating in the work of the Conference. That is a sign of the continued importance that non-members attach to the work of the Conference;

3. The agenda of the Conference on Disarmament encompasses global concerns. The previously negotiated instruments in the Conference on Disarmament and its predecessor bodies impact the security of all States. We believe that matters of global importance must be addressed by a universally representative body. However, as recognized in the Conference on Disarmament document CD/1957 (put forward by Ireland in 2013) "The current reality is that membership of the Conference is not open to all States wishing to join [...]";

4. Membership of the Conference on Disarmament should be open to all States wishing to join in order to ensure universality, transparency, multilateralism and adherence to the rules of the forum, as the only currently universal element of the Conference is the financial cost of running the body, which is funded by all Member States of the United Nations.

5. Rule 2 of the rules of procedure of the Conference on Disarmament specifies, "The membership of the Conference will be reviewed at regular intervals". It is the view of the States of IGOS that the issue of membership is one of the core issues that member States have a responsibility to negotiate, and that it is now more than 15 years without action being taken on the issue of enlargement;

6. We believe that there is merit in identifying means how the Conference on Disarmament could engage more substantially with the States that wish to become members of the Conference. As a first step, in order to gather views of the members of the Conference, the position of Special Coordinator on Enlargement should be re-established and remain as a permanent position;

7. We would like to request the member States of the Conference on Disarmament to convene a formal discussion on enlargement in 2016. In order to contribute to the discussion on enlargement, we would like to propose following questions for consideration:

- - What is the notion of the "regular intervals"?
- - What would be an alternative for the position of Special Coordinator if this cannot be agreed upon?
- - What kind of study would help understanding the prospects for enlargement of the Conference on Disarmament?
- - The last report form Special Coordinator is from 2002, which we consider outdated. We would propose to renew the report.

Conference on Disarmament

24 August 2015

Original: English

Letter dated 21 August 2015 from the President of the Conference on Disarmament and Permanent Representative of the Netherlands to the Conference on Disarmament transmitting a letter addressed to the members and observer States of the Conference providing suggestions on possible ways forward for the Conference on Disarmament

I have the honour to transmit herewith a letter in my capacity as President of the Conference on Disarmament. I would ask you to circulate this letter to members of the Conference as an official document.

(*Signed*) Henk Cor van der Kwast
President
Conference on Disarmament
Permanent Representative of the Netherlands
to the Conference on Disarmament

GE.15-14248(E)

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1. Following the Netherlands Presidency of the Conference on Disarmament from 6 July to 23 August 2015, I would like to share the following. The main aim of the Dutch Conference on Disarmament Presidency was to provide room for informal discussion as a means to search for common ground with a view to take the Conference on Disarmament forward.

2. All delegations were requested to actively participate in the discussions, including by submitting working papers and inviting experts. The main question posed to delegations was to reflect on what delegations could live with beyond their usual positions, rather than stating what they would oppose to.

3. On 7 July, the Netherlands organized a formal plenary meeting on "Ways forward for the Conference on Disarmament?' in the presence of the new Acting High Representative for Disarmament, Mr Kim Won-soo. At this meeting also a draft decision to appoint a special coordinator to seek views and receive proposals on the methods of work of the Conference was tabled, but could not be adopted for lack of consensus.

4. Building on the discussions under the Conference on Disarmament's schedule of activities, the Netherlands further organized informal discussions on 'The status of nuclear disarmament and possible further steps' on 4 August; 'A ban on the production of fissile material for nuclear weapons and other explosive devices' on 7 August; on 'Effective international arrangements to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons' on 8 August; on 'Gender and disarmament' on 11 August; on 'Other issues' on 18 August' and on 'The prevention of an arms race in outer space' on 19 August. The discussions in these meetings were kicked off by experts that were invited by the Netherlands Presidency. An overview of the meetings is attached to this letter.

5. In a formal plenary meeting on 17 August the report of the co-chair of the Informal Working Group, established under the Decision CD/2022, Ms. Päivi Kairamo, Ambassador of Finland was adopted.

6. In the final formal plenary session under the Netherlands Presidency on 21 August the outcomes and results of the informal sessions were discussed.

7. On the basis of both the formal and informal discussions under the Netherlands Presidency on the named subjects, the Netherlands would like to submit to the Conference the following suggestions and recommendations as possible ways forward for the Conference on Disarmament.

8. These suggestions and recommendations are a reflection by me and my delegation of the discussions during our Presidency and do not necessarily reflect the views of other delegations of the Conference on Disarmament.

Suggestions on possible ways forward for the Conference on Disarmament

On nuclear disarmament

1. Establishing a working group that will make recommendations on possible aspects that could contribute, but not negotiate to a treaty on nuclear disarmament which will operate on the basis of the rules of procedure of the Conference on Disarmament and without prejudice to national positions in future negotiations;

2. Consideration of:

(a) Transparency issues with regard to nuclear disarmament;

(b) Verification issues with regard to nuclear disarmament;

(c) The possibilities to reduce the role of nuclear weapons in military doctrines;

(d) The humanitarian consequences of the use of nuclear weapons;

(e) The possibilities for dealterting nuclear weapons.

On a treaty banning the production of fissile material for nuclear weapons and other explosive devices

3. Starting negotiations on a treaty banning the production of fissile material for nuclear weapons and other explosive devices on the basis of the Shannon-report and the mandate contained therein (CD/1299) or a to negotiate mandate;

4. Establishing a working group that will make recommendations on possible aspects that could contribute, but not negotiate a treaty banning the production of fissile material for nuclear weapons or other explosive devices, which will operate on the basis of the rules of procedure of the Conference on Disarmament and without prejudice to national positions in future negotiations;

5. Building on the French proposal for a draft Treaty banning the production of fissile material for nuclear weapons or other explosive devices (CD/2020), encouraging member states to develop draft treaties and organize meetings to discuss and compare these treaties with a view to identify what common elements are and where solutions have to be found for different viewpoints

6. Consideration of:

(a) Technical and scientific aspects of verification of a treaty banning the production of fissile material for nuclear weapons and other explosive devices, particularly on dealing with sensitive information; developing techniques for verifying past production; studying how existing verification instruments of the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW) and the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) could be used as a basis for a verification toolbox; and considering the development of new verification methods, tools and techniques.

(b) Legal, institutional and governance aspects of a treaty banning the production of fissile material for nuclear weapons and other explosive devices, including on non-compliance aspects and other issues such as accession, reservations, depository, dispute settlement, etc.;

(c) Transparency aspects of a treaty banning the production of fissile material for nuclear weapons and other explosive devices, including on the possibility to develop a 'baseline' for current fissile material stocks;

(d) How to deal with verification of fissile material for other military purposes such as fuel for submarines and how to deal with spend fuel.

On the prevention of an arms race in outer space

7. Preparatory discussions for negotiations on the international code of conduct;

8. Establishing a working group that will make recommendations on possible aspects that could contribute, but not negotiate a treaty on the prevention of an arms race in outer space which will operate on the basis of the rules of procedure of the Conference on Disarmament and without prejudice to national positions in future negotiations;

9. Consideration of:

(a) Definition-issues, like the definition of a 'space weapon' and 'outer space';

(b) Verification aspects of an outer space treaty;

(c) Possible further steps on transparency and confidence building measures related to outer space.

On effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

10. Establishing a working group that will make recommendations on possible aspects that could contribute, but not negotiate effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons which will operate on the basis of the rules of procedure of the Conference on Disarmament and without prejudice to national positions in future negotiations;

11. Continuing discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

12. Consideration of further regional approaches, including Nuclear Weapon Free Zones.

On gender and disarmament

13. Consideration and inclusion of concrete and practical gender related aspects in negotiations, discussions and treaties.

On other issues

14. Establishing an Informal working group or a special coordinator for the consideration of the working methods of the Conference on Disarmament;

15. Re-establishing the Informal Working Group to negotiate a programme of work;

16. Improving the Conference on Disarmament's website and documentation to delegations.

17. Consideration of:

(a) Regular participation of scientific and other experts and civil society in negotiations and discussions in the Conference on Disarmament;

(b) Conference on Disarmament expansion in a formal plenary meeting of the Conference on Disarmament on the basis of the questions posed in the working paper by the 39 member States of the International Group of Observer States (IGOS) to the Conference on Disarmament;

(c) First Committee resolutions that contain an action to be taken by the Conference on Disarmament or are related to the Conference on Disarmament;

(d) Possibility of elaborating elements of treaties that have to be negotiated in the future. Examples are issues related to transparency or verification;

(e) Negotiating political binding measures;

(f) Continue holding structured in-depth deliberations, with greater specificity and allocation of time on agenda items, including through the participation of scientific and technical experts on specific topics, to enhance understanding and common ground beneficial to future negotiations that the Conference on Disarmament could undertake, as suggested in the Informal Working Group report.

(g) Role of Presidency and the P6;

(h) Carryover of a programme of work;

(i) Review of the current permanent agenda of the Conference on Disarmament;

(j) Negotiating regulations on radiological weapons;

(k) Discussing further steps with a view to possibly negotiate a treaty on regulating lethal autonomous weapon systems.

Conference on Disarmament

24 August 2015

Original: English

Pakistan

Working paper

Elements of a Fissile Material Treaty (FMT)

General

1. Pakistan's principled views on a Fissile Material Treaty (FMT) are based on the following considerations.

2. **First**, and foremost, the treaty should provide equal and undiminished security for all states. As recognized by the final document of the First Special Session of the UN General Assembly devoted to nuclear disarmament, SSOD-I of 1978, in the adoption of disarmament measures, the right of each state to security should be kept in mind and at each stage of the disarmament process the objective should be undiminished security at the lowest possible level of armaments and military forces. A treaty which overlooks or circumscribes the security of any state would not work and cannot be negotiated.

3. **Second**, the treaty should make a genuine contribution towards the goal of nuclear disarmament and not merely be a non-proliferation instrument.

4. **Third**, in addition to a ban on future production, the treaty must also cover the past production or existing stockpiles of fissile materials, in order to address the asymmetries in fissile material holdings at the regional and global levels.

5. **Fourth**, the treaty should neither discriminate between the different nuclear weapon states, nor between the nuclear weapon and non-nuclear weapon states. All states parties should assume equal obligations without any preferential treatment for any category of states.

6. **Fifth**, in order to be effective, the treaty should be free of any loopholes by encompassing all types and sources of fissile materials that can be used in nuclear weapons.

7. **Sixth**, in order to be credible, the treaty should provide a robust verification mechanism entrusted to a representative and independent treaty body.

8. **Seventh**, the treaty should promote both regional and global stability and enhance confidence among states parties.

9. **Eighth**, the treaty should not affect the inalienable right of all states to use nuclear energy for peaceful purposes. However, it should include effective verification measures to

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safeguard against any misuse or diversion of peaceful use technology and nuclear materials to prohibited purposes.

10. **Lastly**, the treaty should be negotiated in the Conference on Disarmament which is the single multilateral disarmament negotiating forum. The Conference on Disarmament strictly operates under the consensus rule to allow each member state to safeguard its vital security interests. A treaty that is negotiated outside this body will lack legitimacy and ownership. Same is the case for any pseudo progress through United Nations General Assembly-led divisive processes that do not involve all stakeholders, such as a Group of Governmental Experts (GGE) or any variant thereof.

11. Pakistan's general positions stated above or mentioned below under different substantive elements of FMT are primarily intended to enrich informal discussions in Conference on Disarmament, without prejudice to Pakistan's national position during negotiations of a future FMT.

Scope (issue of existing stocks)

12. The most ardent supporters of FMCT are those states that have stockpiled thousands of tons of weapons grade fissile material, far in excess of their needs, and already declared unilateral moratoria on further production. For these states, an FMCT that conveniently excludes the existing stockpiles of fissile material would be cost-free. Of course, it is not surprising that these states also find strident support from their allies that benefit from the extended deterrence of their nuclear umbrella.

13. For Pakistan, on the other hand, the question of stockpiles is a direct national security concern. The asymmetry of fissile materials stockpiles in Pakistan's region is being compounded by the discriminatory waivers and exceptions, and bilateral nuclear cooperation agreements. It leaves Pakistan with no room for flexibility or ambiguity, and forces its hand to oppose the commencement of FMCT negotiations based on the Shannon mandate.

14. Several other states besides Pakistan also believe that a treaty which effectively ignores stocks would be meaningless for nuclear disarmament and not be able to stop vertical proliferation and modernization of nuclear weapons.

15. During the informal discussions held on this issue in June 2014, Pakistan had presented a detailed proposal for dealing with the existing stocks and the future production of different categories of fissile material. Pakistan has further refined and fine-tuned this proposal along the following lines.

16. To answer the first question raised in the Coordinator's work plan, i.e. **how to deal with fissile material produced after entry into force of the treaty, in particular for civilian use and non-proscribed military use**, Pakistan is of the view that such material should only be produced under the strict verification coverage of the treaty from "cradle to grave", to ensure their non-diversion to prohibited purposes such as nuclear weapons manufacturing or kept in reserve for the same purpose.

17. On the second question, i.e. **how to deal with existing stocks in particular fissile material produced: (i) for nuclear weapons; (ii) in excess to nuclear weapon requirements; (iii) for non-proscribed military use; and (iv) for civilian use**, Pakistan's views are elaborated below:

18. As regards **Existing stocks of fissile material produced for nuclear weapons:** this material can be further divided into three sub-categories:

19. **First**, fissile material present in deployed nuclear warheads or warhead components in storage. Pakistan proposes that this weaponized fissile material may not be covered under the FMT.

20. **Second**, fissile material that has not been weaponized as yet. This would include fissile material that has been set aside either for new warheads or for the replacement and refurbishment of existing warheads, or designated as a strategic reserve for future use in unforeseen circumstances. This would also include fissile material – HEU, Plutonium and other types defined in the treaty – that has been historically produced in any unsafeguarded facility, military or otherwise, and has not been designated as civilian or for non-proscribed military use. Such non-weaponized fissile material should be reduced through mutual and balanced reductions on a regional or global basis in a manner that addresses the existing asymmetries keeping in mind the need for equal security for all.

21. The **third** sub-category of material assigned for nuclear weapons includes the fissile material released from retired warheads and those in the dismantlement queue, including such material that is already in waste disposal sites. This type of material should also be brought under the treaty's verification coverage in accordance with the principle of irreversibility to preclude its re-weaponization. Its transfer to verified civil and non-proscribed military use would be permitted.

22. As for the **Existing stocks of fissile material produced in excess to nuclear weapon requirements; for non-proscribed military use; and for civilian use.** Such fissile material stocks, for instance for naval propulsion, should also be brought under the strict verification coverage of the treaty to ensure their non-diversion to prohibited purposes such as nuclear weapons manufacturing.

23. The purpose is to ensure that fissile material stocks in any form or category are not used for the development of nuclear weapons. Only such a treaty will genuinely promote nuclear disarmament, arrest vertical proliferation, and contribute to regional and global security and stability.

24. There is another category of fissile material stocks that have so far not been taken into consideration, and these are fissile material stocks that are not accounted for. All nuclear weapon states should, therefore, be responsible for providing a full verifiable accounting of such stocks as part of a future FMT.

25. For ease of reference, a table summarizing Pakistan's proposal for dealing with past and future production of fissile material is attached with this working paper.

Definitions

26. Regarding the definition of **fissile material**, Pakistan is of the view that any fissile material that can be used for the manufacture of nuclear weapons should be covered in the definition. Besides enriched uranium and separated plutonium, it should also include neptunium and americium, as well as any other material that can be used for the manufacture of nuclear weapons, for instance reactor-grade plutonium. The exact isotopic composition can be determined during negotiations. Since the important thing is to close all possible loopholes, Pakistan prefers the IAEA safeguards concept of "special fissionable material", as defined in Article-20 of the IAEA's Statue.

27. The production and the use of fissile material, as defined under the treaty, should be banned for nuclear weapons purposes, and should only be allowed for civilian peaceful purposes or for non-proscribed military activities under strict verification.

28. As for defining **fissile material production**, any known process for the production of fissile material, as defined under the treaty, must be covered. This should not be limited

to enrichment and reprocessing only. For instance, the production of Uranium-233 bred from thorium-232 inside reactors must be covered.

29. Similarly, the definition of **fissile material production facilities** should not be limited to enrichment and reprocessing plants only. Any facility that is capable of producing fissile material, as defined under the treaty, must be appropriately identified and covered under the non-proliferation regime.

30. Such as approach would not only cover all loopholes but would also be non-discriminatory with equal obligations for all states.

Verification

31. Three options are under consideration, namely: a **focused approach** concentrating on enrichment and reprocessing facilities, and downstream facilities processing or handling fissile material; a **comprehensive approach** covering the entire nuclear fuel cycle; and a **hybrid approach** concentrating on critical elements of the nuclear fuel cycle.

32. Pakistan is of the view that in order to be effective and credible, the treaty should provide for a robust verification mechanism overseen by an independent treaty body that is capable of detecting any non-compliance in a timely manner, without any discrimination between States.

33. Pakistan favours the so-called "comprehensive approach" whereby all nuclear material and facilities covering the entire fuel cycle, and not just the limited production facilities like enrichment and reprocessing plants, would be subject to verification.

34. There is neither any insurmountable technical barrier nor any crippling financial requirement that would prevent the member States of the Conference on Disarmament from pursuing the comprehensive approach. We should not be distracted or misled by self-serving arguments relying on technical and financial pretexts. Choosing between the focused approach, the comprehensive approach or the hybrid approach is purely a political decision and should be seen as such.

35. In the section on Scope, we have already outlined Pakistan's preference for covering all past production i.e. existing stocks of fissile material, alongside the post-entry-into-force production of fissile material for permissible purposes, under the verification coverage of the treaty to ensure non-diversion for proscribed purposes.

36. Depending on the provisions agreed in the treaty, the treaty's verification regime should also be capable of verifying the reduction of fissile material stocks as agreed between the states parties on a regional or global basis.

37. The verification system should provide timely detection of any diversion or non-compliance. It should also provide credible assurance regarding the absence of any undeclared or clandestine activity involving the production of fissile material for prohibited purposes, including stocks that are unaccounted for.

38. The shut-down and dismantlement of facilities such as reprocessing and enrichment plants as well as dedicated plutonium production reactors should also be verified in cases where such facilities have not been converted for civilian or non-proscribed use.

39. The verification obligations under the treaty would mostly apply to the NPT and the non-NPT nuclear weapon states. For the NPT non-nuclear weapon states, the IAEA Comprehensive Safeguards Agreement and the Additional Protocol already provide the desired level of assurance.

40. The verification tasks under the treaty should be performed by an independent and dedicated treaty body – an FMTO – without excluding the use of IAEA resources. The responsibility to verify and oversee the treaty's implementation cannot be assigned exclusively to the IAEA. Besides the problems arising from differences between the membership of the IAEA and the states parties to the treaty, the Agency's decision making organs and procedures are not inclusive enough to effectively perform the oversight function. The FMTO would need an executive body that includes all the major stakeholders on a permanent basis.

Legal and institutional arrangements

41. **Who is best placed to carry out required verification**. The verification tasks under the treaty should be performed by an independent and dedicated treaty body – an FMTO – without excluding the use of IAEA resources. The responsibility to verify and oversee the treaty's implementation cannot be assigned exclusively to the IAEA. Besides the problems arising from differences between the membership of the IAEA and the states parties to the treaty, the IAEA's decision making organs and procedures are not inclusive enough to effectively perform the oversight function.

42. **Governance and decision making mechanism**. The treaty should establish an FMTO with an appropriately staffed Secretariat, a Conference of States Parties meeting annually, and an executive council that includes all the major stakeholders on a permanent basis, meeting regularly and taking all decisions by consensus. Combined, this should be the governance and decision making mechanism of the treaty.

43. **How to deal with cases of non-compliance**. The FMTO should first and foremost try to deal with cases of non-compliance itself through consultations and clarifications as well as technical means. Those cases that cannot be suitably resolved may be referred to the United Nations General Assembly in a non-discriminatory manner. The referral to the United Nations Security Council would not be a feasible option as the Security Council would be unable to deal effectively with cases of non-compliance by a permanent veto-wielding member, which in the case of FMT would form the majority of fissile material producers.

44. **Amendment provisions to allow inter alia for technological change**. For a treaty that is negotiated and adopted under the consensus rule, its amendments should also only be agreed by consensus among all states parties.

45. **Requirements for entry into force of the treaty**. For the treaty to enter into force, the minimum threshold should require ratification by all states that produce fissile materials as defined in the treaty.

46. **Duration of the treaty**. The treaty must be of a limited duration, with the possibility of a renewal by consensus. This would allow for a serious review before the expiry of the initial duration with respect to its implementation, effectiveness, contribution to nuclear disarmament, etc.

47. **Withdrawal provisions**. Like all treaties impacting on national security interests, states parties must be able to withdraw from the FMT, following an appropriate notice on the grounds of their national security. However, any withdrawing state would continue to remain accountable for any violations or non-compliance of the treaty while it was still a party to it.

Conclusion

48. Pakistan remains committed to continue contributing constructively to the Conference on Disarmament's agenda. Pakistan is ready to join negotiations in the Conference on Disarmament on Nuclear Disarmament, Negative Security Assurances and the Prevention of an Arms Race in Outer Space, as well as on any other issue that does not impinge on our security. Pakistan is also ready to join efforts for finding a new compromise to arrive at an acceptable basis, or mandate, to commence negotiations on an FMT in the Conference on Disarmament. This new mandate should respond to the legitimate call by the vast majority of members of the Conference on Disarmament to negotiate a treaty that genuinely advances nuclear disarmament and contributes to regional and international stability and security. The Shannon mandate does not fulfil these conditions.

49. And if there is no consensus on the commencement of negotiations on any item on the Conference on Disarmament's agenda, the Conference should opt for the next best alternative of holding substantive discussions in the Conference on Disarmament. As demonstrated by the informal discussions held under the schedule of activities, discussions in the Conference on Disarmament are extremely useful in understanding the various perspectives and topical concerns on all agenda items and for bouncing off new ideas. An inclusive and participatory approach in the form of discussions in the Conference on Disarmament can make valuable contributions to advancing the various agenda items and setting the ground for subsequent negotiations when consensus is possible on their commencement.

50. It needs to be realised that progress on FMCT and the other Conference on Disarmament related issues can neither be achieved by changing the format or forum, nor by imposing solutions that exclude the views of major stakeholders. Real progress can only be made by exercising genuine political will to address the security concerns of those states that are opposing the start of negotiations on a treaty that effectively ignores the issue of stocks.

Annex

Dealing with the past and future production of fissile material

No	*Category of FM*	*Description*	*Coverage under FMT*	
			Existing Stocks	*Future Production*
1.	Assigned for nuclear weapons			
1.1	Weaponized fissile material	Present in deployed warheads, or warhead components in storage	Untouched. To be addressed under the negotiations on a Nuclear Weapons Convention	Production prohibited
1.2	Non-weaponized fissile material	Set aside for weapons or as strategic reserve, including fissile material produced from any unsafeguarded facility, and that has not been designated as civilian or for non-proscribed military use	Mutual & balanced reductions on a regional or global basis	Production prohibited
1.3	Material from retired warheads or those in the dismantlement queue, including such material already in waste disposal sites	Under unilateral or bilateral reduction arrangements	Placed under verification to ensure irreversibility and non-diversion	Production prohibited
2.	Not assigned for nuclear weapons			
2.1	Material in excess to nuclear weapons	Voluntarily declared to be in excess of weapon needs	Placed under verification to ensure non-diversion & exclusive use for non-proscribed purposes	Production prohibited
2.2	Material for non-proscribed military use	Naval propulsion etc.	Placed under verification to ensure non-diversion & exclusive use for non-proscribed purposes	Production allowed under verification to ensure non-diversion & exclusive use for non-proscribed purposes
2.3	Material for civilian use	Peaceful uses including power and non-power applications		

Conference on Disarmament

24 August 2015

Original: English

Note verbale dated 21 August 2015 from the Permanent Mission of the Democratic People's Republic of Korea addressed to the Secretary-General of the Conference on Disarmament transmitting the statement delivered by the Ministry of the Foreign Affairs of the Democratic People's Republic of Korea on 21 August 2015

The Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Secretary-General of the Conference on Disarmament and has the honour to transmit herewith a copy of the Statement by the Ministry of the Foreign Affairs of the Democratic People's Republic of Korea on 21 August 2015.

The Permanent Mission of the Democratic People's Republic of Korea would appreciate it if this Statement could be circulated to all member States and observer States of the Conference on Disarmament as an official document of the Conference.

GE.15-14253(E)

Please recycle

Statement by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

1. As already reported, the south Korean puppet forces perpetrated again such grave military provocation as firing dozens of shells into the area of the Democratic People's Republic of Korea's side in the area along the Military Demarcation Line on Thursday.

2. The south Korean puppet forces claimed before any others that they made a retaliatory firing because the Democratic People's Republic of Korea's side fired one shell first, but this was a completely sheer lie and fabrication.

3. On Thursday the Democratic People's Republic of Korea's side clarified that it did not fire even a single bullet or single shell at the enemy's side first nor it made any accidental firing.

4. The recent shelling incident unilaterally committed by the south Korean puppet forces was neither incidental nor an accident but a carefully calculated provocation committed by themselves.

5. It is a trite method of the successive south Korean rulers to cook up a shocking incident in the area along the MDL whenever they face a crisis in a bid to divert the attention of public at home and abroad elsewhere and seek a way out of it.

6. The recent incident was an undisguised provocation aimed to tide over their crisis, get breathing spell and strain the situation on the Korean Peninsula to an extreme pitch of tension and thus spoil other's festival.

7. The enemy cooked up the "mine explosion" case in an area along the Military Demarcation Line and resumed broadcasting for psychological warfare against the north under that pretext in a bid to rattle its nerve to the worst extent, while staging large-scale joint military exercises together with the U.S. By escalating the tension this way, they carried out the artillery firing after creating psychological situation to make the international community think the Democratic People's Republic of Korea's side might fire one shell first and are now insisting it was "firing in retaliation" against the former's shelling.

8. However, the enemy were seriously mistaken this time.

9. They tried to divert elsewhere the attention of the world people through the shelling, becoming unable to escape the fate of perishing in the flames kindled by themselves.

10. The General Staff of the Korean People's Army sent an ultimatum to the south Korean puppet Ministry of Defense at 17:00, Pyongyang time, on August 20 that a strong military action would be launched unless it stops the anti- Democratic People's Republic of Korea broadcasting for psychological warfare and dismantles all psywar means within 48 hours.

11. The Central Military Commission of the Workers' Party of Korea examined and ratified the offensive operation plan of the KPA Front Command to launch retaliatory strike and counterattack on the whole length of the front all at once. It also approved the decision of the KPA General Staff in which it sent an ultimatum to the south Korean puppet Ministry of Defense.

12. Supreme leader **Kim Jong Un** issued an order of the supreme commander of the Korean People's Army that the frontline large combined units of the KPA should enter a wartime state to be fully battle ready to launch surprise operations and the area along the front be put in a semi-war state from 17:00 on Friday.

13. The situation which has reached the brink of war is now hardly controllable.

14. We have exercised our self-restraint for decades.

15. Now no one's talk about self-restraint is helpful to putting the situation under control.

16. The army and people of the Democratic People's Republic of Korea are poised not to just counteract or make any retaliation but not to rule out an all-out war to protect the social system, their own choice, at the risk of their lives.

Pyongyang, 21 August 2015